T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			24-Jul-08	APPL. S. N:	10518388						
To Exam	iner:		CAO, ALLEN T.	Art Unit	2652						
From			Jefferson, Henry PARALEGAL SPCECIALIS	Return This Memo To: T Drop-Off Location	Case JEF-2D68						
SUBJEC ⁻	T: Decisio	on on Terminal	Disclaimer(T.D.) filed:								
form par or have a	agraphs i any quest	dentified by the	nis informal memo in your ee me or the Special Prog	the results as set forth below. next Office action to notify ap ram Examiner. THIS IS AN INF ED OF RECORD IN THE APPLIC	plicant of the T.D. If you ORMAL, INTERNAL MEMO	disagree O ONLY.					
please in	itial, date	and return th	is memo to me. THANK Y	ou.							
<u> </u>	The T.D.	is PROPER an	d has been recorded (see	14.23).							
П	The T.D.	is NOT PROPE	ER and has not been accep	oted for the reason(s) checked	below (see 14.24):						
	Γ	The TD fee of use of a depo		ubmitted nor is there any autho	orization in the applicatio	n file for the					
		The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).									
		The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).									
	Γ	The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).									
		The person who signed the T.D.:									
		is no	ot an attorney "of record"	(see 14.29 and 14.29.01).							
		┌ has	failed to state his/her capacity to sign for the business entity (see 14.28).								
		is no	ot recognized as an office	r of the assignee (see 14.29 &	possible 14.29.02).						
	Γ	No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).									
	Γ	The T.D. is not signed (see 14.26 & 14.26.03).									
		The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).									
	Γ	The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).									
	Г	The period di	sclaimed is incorrect or no	ot specified (see 14.26, 14.27.	02 or 14.26.03).						
	匚	Other:									
			o request refund (see 14.3 neck this item.	36). NOTE: If already authorize	ed, credit refund to depos	it account					
i have ap	propriate	ely notified app	olicant(s) of the status of	the Terminal Disclaimer filed in	this case.						
Ex.Initial	s:	Date	e:		Log Date:						

Application Number		Application/Col	ntrol No.	Re	oplicant(s)/Patent (examination E ET AL.	under				
Document Code - DISQ	Internal D		ocument – DO NOT MAIL							
,	-									
TERMINAL DISCLAIMER				□ DISAPPROVED						
This paten Date Filed : July 8, 2008 to a Te Discl				:						
Approved/Disapproved by:										
Henry D. Jefferson										

U.S. Patent and Trademark Office

Attorney Docket No.: P26480 Application No.: 10/518,388

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Junichi IDE et al.

Group Art Unit: 2627

Appln. No. : 10/518,388

Examiner: Allen T. CAO

Filed

: December 30, 2004

Confirmation No. 8960

For

: INTERMEDIATE FOR OPTICAL RECORDING MEDIUM AND METHOD

OF MANUFACTURING THE OPTICAL RECORDING MEDIUM

TERMINAL DISCLAIMER

Commissioner for Patents U.S. Patent and Trademark Office Customer Service Window, Mail Stop Randolph Building 401 Dulany Street Alexandria, VA 22314

Sir:

Your petitioner, TDK CORPORATION, a Japanese corporation, whose business address is 1-13-1, Nihonbashi, Chuo-Ku, Tokyo 103-8272, Japan, represents that it is the owner of record of the entire right, title and interest of the above-identified application by virtue of an assignment recorded in the U.S. Patent and Trademark Office on December 30, 2004 at Reel 017338, Frame 0564 of U.S. Application No. 10/518,388 for INTERMEDIATE FOR OPTICAL RECORDING MEDIUM AND METHOD OF MANUFACTURING THE OPTICAL RECORDING MEDIUM.

Your petitioner, TDK CORPORATION, also represents that an assignment was recorded in the U.S. Patent and Trademark Office on September 26, 2003 at Reel 014554, Frame 0291 of U.S. Application No. 10/670,375, now U.S. Patent No. 7,138,165 B2, for INTERMEDIATE FOR OPTICAL RECORDING MEDIUM, MOLD, MOLDING APPARATUS, AND METHOD OF MANUFACTURING THE OPTICAL RECORDING MEDIUM.

The undersigning representative is authorized to act on behalf of the assignee, and it is certified that to the best of the undersigned's knowledge and belief, title is in the assignee.

Your petitioner, TDK CORPORATION, hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of U.S. Patent No 7,138,165 B2, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 7,138,165 B2, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 as presently shortened by any terminal disclaimer of Patent No. 7,138,165 B2 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the failure of common ownership stated above.

Attorney Docket No.: P26480 Application No.: 10/518,388

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted, TDK CORPORATION

Bv

Stephen M. Roylance

Reg. No. 31296/

Attorney of Record (7055)

July 8, 2008 GREENBLUM & BERNSTEIN, P.L.C. 1950 Roland Clarke Place Reston, VA 20191 (703) 716-1191